



25 MAR 2004

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In re Application of	:	DECISION ON RENEWED
MAIER et al	:	
PCT No.: PCT/CH99/00289	:	
Application No.: 09/926,821	:	
Int. Filing Date: 02 July 1999	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 5088	:	
For: A Solid Formulation of	:	
Glucosamine Sulphate	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 22 September 2003, and the status letter of January 16, 2004.

### **BACKGROUND**

In a decision from this Office on 18 April 2003, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that petitioner has provided no proof to corroborate the mailing and the receipt of the correspondence by inventor Parekh. Consequently, it is unclear if he actually received the documents.

On 22 September 2003, applicant submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 18 April 2003 with respect to accepting the above application without the signature of nonsigning inventor Mr. Parekh. Filed with the renewed petition, *inter alia*, are a further declaration concerning a letter dated October 2, 2002 from Rene Wenger, a statement of Dieter Wolfgang Engel, and a declaration of Stella Xanthis.

### **DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 22 September 2003 has satisfied requirement 2 under 37 CFR 1.47(a). Thus satisfying all the requirements under 37 CFR 1.47(a).

Mr. Wenger and Ms. Xanthis' averments do sufficiently demonstrate that a *bona fide* attempt was made to obtain the signature of Mr. Harish Parekh and that he refuses to sign the required papers. A package including the application was mailed to him on October 2, 2002 and he signed for the package on November 11, 2002, but has not returned the required papers. Accordingly, the conduct of Mr. Parekh is interpreted based on the evidentiary copies of the papers submitted as a refusal to sign the required papers. Consequently, the current record does sufficiently establish that Mr. Parekh refusal to join in the application.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

### CONCLUSION

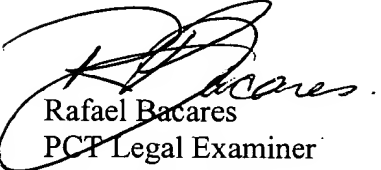
The petition under 37 CFR 1.47(a) is GRANTED.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 30 September 2002.


As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.



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In re Application of  
MAIER et al  
PCT No.: PCT/CH99/00289  
Application No.: 09/926,821  
Int. Filing Date: 02 July 1999  
Priority Date: NA  
Attorney's Docket No.: 5088  
For: A Solid Formulation of  
Glucosamine Sulphate

Dear Mr. Parekh:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in dark ink, appearing to read "R. Bacares".

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